

STAFF REPORT  
January 24, 2008

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**No. 07SV073 - Variance to the Subdivision Regulations to reduce the pavement width from 26 feet to 24 feet within the shared access easement and to reduce the shared access easement from 59 feet to 30 feet to waive the requirement to install sidewalk, street light conduit, sewer, water within the shared access easement to waive the requirement to install sidewalks, curb, gutter along Elk Vale Road to waive the requirement to install sidewalks along Homestead Street as per Chapter 16.16 of the Rapid City Municipal Code** **ITEM 41**

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GENERAL INFORMATION:

APPLICANT	Todd Christoffer for First National Bank
AGENT	Janelle Finck for Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	First National Bank
REQUEST	<b>No. 07SV073 - Variance to the Subdivision Regulations to reduce the pavement width from 26 feet to 24 feet within the shared access easement; and to reduce the shared access easement from 59 feet to 30 feet; to waive the requirement to install sidewalk, street light conduit, sewer, water within the shared access easement; to waive the requirement to install sidewalks, curb, gutter along Elk Vale Road; to waive the requirement to install sidewalks along Homestead Street as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	Lot 1 of Block 1 of Hilltop Business Park Subdivision, located in the NE1/4, Section 4, T1N, R6E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots A and B of Lot 1 of Block 1 of Hilltop Business Park Subdivision, located in the NE1/4, Section 4, T1N, R6E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.67 acres
LOCATION	Southwest of the intersection of Elk Vale Road and Homestead Street
EXISTING ZONING	General Commercial District

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SURROUNDING ZONING

North:	General Commercial District
South:	Light Industrial District
East:	General Commercial District
West:	Light Industrial District

PUBLIC UTILITIES                      City Water and Sewer

DATE OF APPLICATION                12/19/2007

REVIEWED BY                          Jonathan Smith / Mary Bosworth

RECOMMENDATION:

Staff recommends approval of the Variance to the Subdivision Regulations to reduce the pavement width of the shared access easement for the north 100 feet from 26 feet to 24 feet. Denial of the request to reduce the shared access easement from 59 feet to 30 feet. Approval of the request to waive the requirement to install sidewalk, street light conduit, sewer, water within the shared access easement;

Denial without prejudice of the request to waive the requirement to pave the shared access easement, reduce the easement width from 59 feet to 30 feet, and to waive the requirement to install sidewalk, street light conduit, sewer, water for the south 190 feet of the shared access easement.

Denial of the request to waive the requirement to install sidewalks along Homestead Street as per Chapter 16.16 of the Rapid City Municipal Code; and,

Approval of the request to waive the requirement to install sidewalks, curb, gutter along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment of the improvements.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to reduce the pavement width of the shared access easement from 26 feet to 24 feet, to reduce the shared access easement width from 59 feet to 30 feet, to waive the requirement to install sidewalk, street light conduit, sewer, water along the shared access easement, to waive the requirement to install sidewalks, curb, and gutter along Elk Vale Road, and to waive the requirement to install sidewalks along Homestead Street.

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A Preliminary Plat application (#07PL178) to subdivide a 2.67 acre lot into a 1.36 acre lot identified as Lot A, and a 1.31 acre lot identified as Lot B has been filed in conjunction with this variance request. The property is located at the southwest intersection of Elk Vale Road and Homestead Street. Currently both proposed Lot A and proposed Lot B are vacant. The property was originally platted as Lot 1 Block 1 of Hilltop Subdivision (#07PL063) on May 14, 2007. The property is zoned General Commercial District.

STAFF REVIEW:

Staff has reviewed the applicant's Variance to the Subdivision Regulations request and noted the following considerations:

ACCESS EASEMENT:

A shared access easement lies along the western boundary of proposed Lot A. The shared access easement measures 50 feet at its widest point including the portion located on the adjacent lot. The 50 foot wide portion of the easement extends a distance of 100 feet then is reduced to 30 foot wide easement for an additional 190 feet to the south. The applicant is required to construct the shared access easement to City standards along its full length with a minimum 59 foot wide easement width and a minimum 26 feet of pavement, curb, gutter, street light conduit, water and sewer. Due to a staff error the previous plat was not constructed in accordance with City standards. However staff recommends that the variance to reduce the pavement width from 26 feet to 24 feet and to install street light conduit be approved as the improvements have been previously constructed. No water or sewer extension along the easement is required to serve the lots in the area, now or in the future. For this reason, staff recommends that the variance to waive the requirement for the installation of sewer and water along the access easement be granted.

Currently the northern 100 feet of the shared access easement is constructed with a pavement width of 24 feet with curb and gutter. The shared access easement measures 50 feet at its widest point along this 100 foot portion. For this portion of the easement staff recommends that 9 feet of additional easement be provided and the variance be denied.

The remainder of the 30 foot wide shared access easement lying adjacent to the area being platted is currently undeveloped. The remainder of the shared access easement on Lot 3 of Rushmore Business Park is unlikely to be improved in the future because of topography constraints. Further it is not required to provide access to any of the property either being platted now or the adjacent parcels. For this reason, staff recommends that the balance of the easement be vacated and the variances denied without prejudice.

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---

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**ITEM 41**

ELK VALE ROAD:

Proposed Lot B abuts Elk Vale Road, a principal arterial street on the eastern boundary. Elk Vale Road is an improved street that currently has a right-of-way width of 245 feet, and four lanes that each has a paved lane width of 12 feet. Staff finds that Elk Vale road meets the standards of a minimum 100 feet right-of-way width and 12 feet wide paved lanes where it abuts the property. Currently, street light conduit and pavement are in place along Elk Vale Road.

Elk Vale Road is currently void of curb, gutter and sidewalks. The applicant is required to construct curb, gutter and sidewalks as per City of Rapid City requirements. Elk Vale Road at this location is on the State Department of Transportation Highway System. It should be noted that the adjacent segments of Elk Vale Road are a highway section with no curb, gutter or sidewalks in place. Requiring the installation of curb, gutter or sidewalks would result in a discontinuous road section. For this reason, staff recommends approval of the variance to waive the requirement for the installation of curb, gutter and sidewalks with the stipulation that prior to City Council approval, the applicant sign a Waiver of Right to Protest for the curb, gutter and sidewalks.

HOMESTEAD STREET:

Sidewalks are not in place along Homestead Street. The applicant is required to install a sidewalk along the property boundary where it abuts Homestead Street. Residential development (Copperfield Vistas) is currently proposed west of the Rushmore Business Park. Retail development including a grocery store, pharmacy and bank has occurred on the east side of Elk Vale Road at Homestead Street. The residential development and location of commercial business increases the likelihood for pedestrians to be using this segment of road. The construction of sidewalks along Homestead Street is necessary to provide pedestrians safe access to the commercial businesses. Staff recommends denial of the Subdivision Variance request to waive the requirement to install sidewalks along Homestead Street.

NOTIFICATION:

As of this writing, the white receipts from the certified mailings have been returned; however, the green cards have not been returned. Staff will notify the Planning Commission at the January 24, 2008 Planning Commission meeting if this requirement has not been met.